IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

CRL.A.No. 699 of 2000(D)

CC.779/2000 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOTTARAKKARA
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APPELLANT:

R. BHANU, UDAYA VILASOM, THEVALAPPURAM, VENDAR PO., PUTHOOR, KOTTARAKKARA, KOLLAM DIST.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:
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1. C. CHELUVAIAH, S/O. LATE CHELUVAIAH, HOUSE NO. 144/II MAIN ROAD, BANA SANKARI IIIRD STAGE, CHENNAMANKARA, BANGALOE- 84.

2. STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY ADV. SRI. C.K. SURESH, PUBLIC PROSECUTOR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.699 of 2000

Dated this the 21st day of June, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act which stands dismissed and the accused acquitted under Section 256 (1) of Crl.P.C.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 26.7.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl